

## Regional organizations and sanctions against members: explaining the different trajectories of the African Union, the League of Arab States, and the Association of Southeast Asian Nations

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## REGIONAL ORGANIZATIONS AND SANCTIONS AGAINST MEMBERS

Explaining the Different Trajectories of the  
African Union, the League of Arab States, and the  
Association of Southeast Asian Nations

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Elin Hellquist

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## REGIONAL ORGANIZATIONS AND SANCTIONS AGAINST MEMBERS

### Explaining the Different Trajectories of the African Union, the League of Arab States, and the Association of Southeast Asian Nations

Elin Hellquist

#### Abstract

The Organization of African Unity (OAU), the League of Arab States (Arab League), and the Association of Southeast Asian Nations (ASEAN) were all established as post-colonial projects with the explicit aim to safeguard state borders and shield sovereign governments from external interference. Yet, their approaches to regional interference in domestic affairs have with time taken on different trajectories. This working paper traces the present diversity in regional approaches to negative sanctions against members back to formative events in the early days of regional cooperation. All three organizations had to confront political problems of substantial regional weight at an early stage: the OAU the apartheid regimes in Southern Africa, ASEAN the Vietnam War, and the Arab League the creation of the state of Israel. The analysis demonstrates that the concepts of the region the organizations articulated as they dealt with these problems continue to inform present positions on involvement in domestic affairs.

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## 1. Introduction<sup>1</sup>

This paper searches for the origins of the strongly divergent approaches to negative sanctions of the African Union (AU), the League of Arab States (Arab League), and the Association of Southeast Asian Nations (ASEAN). Since the end of the Cold War, many regional organizations have started using sanctions in reaction to events taking place *within* the borders of their member states. Basically, the same set of concrete measures is available to all senders of sanctions: suspension of membership or cuts of other privileged relations, asset freezes, travel restrictions, and selective embargoes. However, sanctions mean very different things to different regional organizations, both in terms of political content and formal process.

The AU has developed a sanctions doctrine which claims to be ‘apolitical,’ where it commits to automatically impose sanctions against ‘unconstitutional changes of government’ in its member states. This far-reaching mandate of involvement in domestic affairs sharply contrasts with the de-facto impunity upheld by its predecessor: the Organization of African Unity (OAU). In contrast, the Arab League’s sanctions record is unpredictable, highly political, and includes measures both against members and non-members. Already its foundational pact of 1945 regulates suspension of members, but the sanctions imposed against Libya and Syria in 2011 were the first to be directed at events within the borders of member states. Finally, ASEAN’s interpretation of the principle of non-interference in domestic affairs continues to preclude either regional or external sanctions. Until recently, its approach to sanctions was branded by its lobbying for international sanctions against Burma/Myanmar to be lifted. The working paper asks:

*Why do these regional organizations diverge in their approaches to sanctions against members?*

Mainstream theories of international relations have trouble to explain this picture. The increased activity of regional organizations in the field of sanctions clashes with the core realist postulate of non-interference as the counterpart to state sovereignty. The predominant liberal institutionalist reading of international politics would lead us to expect regional approaches to sanctions to ultimately converge. Moreover, since most countries in all three regions fall short in compliance with liberal-democratic norms, the *a priori* functional need of a norm-correcting sanctions policy is similar. Yet, the increased political posture of these organizations in the field of sanctions has not converged qualitatively thus far.

The paper responds to this void in our understanding of regional organizations by moving back to the early stage of cooperation in each region. Beyond a general declaration that ‘history matters,’ this study traces the ideational and practical origins of regional approaches to sanctions back to the way how the newly founded organizations dealt with specific political problems.

Here, ideational means the conceptual understandings these organizations articulate about themselves and their region. The paper finds that the ideological *concepts of the region* that were already present at

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1 The research for this working paper was carried out at the Kolleg-Forschergruppe (KFG) “The Transformative Power of Europe,” hosted at the Freie Universität Berlin and funded by the German Research Foundation (DFG). I am grateful to Tanja A. Börzel and Thomas Risse for their very helpful comments. Many thanks are also due to the postdoctoral fellows, PhD students, and senior scholars at the KFG 2012/2013 for providing important feedback on earlier versions of the paper, as well as to the KFG staff for editorial support. Finally, I am thankful to Josef Hien who has read and discussed numerous drafts of this paper.

the time of formation of these organizations continue to predispose their approaches to sanctions. The OAU fostered a concept of the region as encompassing the entire African continent and this remains the ideational core of African regionalism today. The Arab League was born as the organizational substitute for the unfulfilled Arab homeland and its members continue to battle over individual interpretations of the common Pan-Arab vision. ASEAN brought together a small group of internally diverse regimes which never sought to unite beyond intergovernmental cooperation to mutual benefit. In consequence, if Pan-Africanism aspires to be a genuinely continental regionalism, Pan-Arabism attempts to 'upload' a utopian nationalism to the regional level, and the ASEAN way institutionalizes individual nationalism of established states. Continental regionalism and uploaded nationalism are both compatible with a selective rethinking of the notion of non-interference, while individual nationalism is not.

Practical is understood as 'the actual application or use of an idea,' here the concepts of the region. These applied concepts of the region are clearly exposed in the way that the newly born organizations handled the *regional problems* they were confronted with at an early stage. All three organizations faced political problems of substantial regional weight: the OAU the apartheid regimes in Southern Africa, ASEAN the Vietnam War and later Vietnam's invasion of Cambodia/Kampuchea (hereafter Cambodia), and the Arab League the creation of the state of Israel. Considering that all three organizations were established in opposition to colonialism, it is significant that these situations were seen to represent the continuation of colonialism in the region. In that capacity, they were a direct threat to the ideational core of the newly established organizations. Moreover, they all included sanctions: a combination of regional and international sanctions in the case of South Africa, a large-scale regional boycott in the case of Israel, and unilateral as well as international sanctions in the case of Vietnam. None of the countries subject to these sanctions were members of the OAU, ASEAN, or the Arab League at the time. Yet, they were all decidedly located *within* the borders of the region as understood by each organization. The ways the organizations dealt with these formative experiences expose understandings of the region that accommodate different potential approaches to sanctions.

Pan-Africanist ideas of African unity and problem-solving were important for the OAU's anti-apartheid-struggle. The collective opposition to apartheid fostered a notion of the region as a legitimate actor for African affairs, and this positive precedent continues to inform the current 'automatic' and minimalistic sanctions doctrine of the AU. In the case of the Arab League, pan-Arabism provided ideational fuel to a formally still on-going, comprehensive boycott directed at Israel and its allies by stressing Palestine's legitimate belonging in the Arab homeland. The ideational mix of strict respect of state sovereignty with a strong notion of the region (as a future nation-state) is still a tricky balancing exercise for the League. An antipode to the African example, the Arab concept of the region informs a highly political and unpredictable use of sanctions. Finally, ASEAN's reactions to the Vietnam War and later to Vietnam's invasion of Cambodia confirm a concept of the region as a collection of nation-states, for which respecting the principle of non-interference is the precondition for regional cooperation. Even if ASEAN moves towards deepened regionalism following the European example, it has built considerable self-confidence in its 'ASEAN way' and is likely to remain a harsh critic of international sanctions. In conclusion, the study argues that the different post-Cold War approaches to sanctions do not contradict but build on old ideas about the respective regions.

The remainder of the working paper is structured in four more parts. In the second section, I explain why this study is relevant for our understanding of comparative regionalism as well as of negative sanctions. The third section introduces the selected cases for this study and their distinct approaches to sanctions in the present. Here, I focus on the AU's *automatic* use of sanctions against unconstitutional changes of government, the Arab League's *exceptional* recent sanctions against Libya and Syria, and ASEAN's *critique* of international sanctions against Burma/Myanmar. Thereafter, in the fourth section, the analysis moves back in time to search for the ideational and practical origins of the identified pattern of regional diversity. This is done through textual analysis of official documents and first-hand media accounts, as well as an extensive literature review, including both historical and recent scholarly work. The fifth and final part discusses the broader lessons learned from this analysis, and points out directions for future research.

## 2. Regional Organizations and Sanctions – Why Should We Care?

To identify the sources of regional diversity in approaches to sanctions is important for three main reasons: to estimate the role of regional organizations in a core domain of international politics, to acknowledge the increasingly political character of regionalism, and to break with the euro-centrism of regionalism studies.

*First*, a better understanding of why regional organizations choose different paths when it comes to sanctions enables a critical examination of the relevance of the regional level for contemporary global and international politics. Whether the relation between universalism and regionalism is characterized by tension or complementarity is a classical theme of study that has largely fallen into oblivion in contemporary scholarship (see Padelford 1954; Wilcox 1965). However, as authors of regional sanctions regimes as well as increasingly active bystanders to the sanctions of other actors, regional organizations are transforming the international playing field of sanctions in ways that require systematic analysis.

A fundamental normative tension runs between foreign policy sanctions used by external actors and regional organizations' use of sanctions against their own members. On the one hand, regional organizations that use sanctions against non-members, i.e., as foreign policy tools, are especially vulnerable to accusations of acting 'illegally' (Doxey 1980: 485; White/Abass 2010) and have a reputation of lacking universality, impartiality, and expertise (Doxey 2000: 16). On the other hand, regional use of sanctions against members, i.e., as tools of internal pressure, has the potential to triumph over foreign policy sanctions precisely since they are contractual, (allegedly) impartial, and well aware of regional contexts. As expressed by Padelford (1954: 204), regional arrangements "afford a directness of association which cannot be attained through universal institutions." The target's rejection of sanctions is intuitive regardless of whom the sender is. However, members of an organization that have voluntarily committed to a certain set of rules may have difficulties to credibly delegitimize sanctions that are imposed by regional organizations. Foreign policy sanctioners, by contrast, face the imminent risk that targets turn victimization under sanctions to their domestic benefit. If internal regional sanctions regimes mature to increasingly take ground from foreign policy interveners, whether individual states or international politics, the implications for international politics are potentially radical. Importantly, there is no guarantee that regional doctrines will mirror the agendas of international organizations or liberal international actors. On the contrary, if the diversity in approaches



is connected to historically contingent regional identities, this suggests that regional organizations are developing localized templates. This would ultimately contribute to the creation of islands of normative communities in international politics distant from the cosmopolitan vision of global interdependence and universal values.

*Second*, in acknowledgment of the deeply political character of sanctions – and thereby of their potential to unite or separate a community – the paper moves beyond economic perspectives on regional institution-building. By now “[t]here is much more to the study of regions than economic integration alone” (Breslin/Higgott 2003: 173; see Börzel 2012: 25). Regional cooperation is increasingly concerned with political core issues such as peace and security, or constitutional order and (good) governance (Fawcett 2004). The amplified political drive of regional organizations appears to be a reply to the shortcomings of the United Nations (UN) as well as of individual states in dealing with international crises. The approaches of regional organizations to negative sanctions, whether expressed through an institutionalized own use of sanctions or as active bystanders to the sanctions of other actors, are excellent indicators of this change and expansion of political priorities.

While sanctions were tools predominantly of economic statecraft for long, the move to so-called targeted sanctions aimed at responsible individuals has turned the balance in favor of the political dimension. This has also enabled new actors with less economic leverage to enter the sanctions field.<sup>2</sup> By now, the decision of a regional organization to use sanctions or not is a crucial expression of how it sees its political mandate vis-à-vis members and/or third countries. By their very nature, sanctions are normative signifiers – they signal disapproval with certain norm violations and thus support of the violated norm. Hence, negative sanctions work as normative watersheds in international politics, exposing how actors interpret some of the most pressing dilemmas involved in interaction and co-existence on the international arena. This fundamental communicative characteristic exists regardless of whether sanctions actually incite the target to change or not (see Hellquist 2012). Moreover, this communication does not concern only the sender and the target of a sanction. On the contrary, also bystanders effectively unveil their normative priorities through their reactions and non-reactions to the sanctions of other actors (e.g., ASEAN in this paper). This is why this paper does not speak of the sanctions policies, sanctions doctrines, or sanctions regimes but of *approaches* to sanctions.

A regional organization’s approach to sanctions demands an articulated “way of considering” (Cambridge Dictionaries online) or “way of dealing” (Oxford Dictionaries online) with the use of sanctions in its area or beyond, but it does not mean that the organization necessarily uses sanctions itself. Hence, to speak of a regional approach we must be able to identify a principled baseline in the way that sanctions are considered by the regional organization in question. This does not say that the principled position cannot be internally contested and subject to continuous renegotiation as contextual circumstances change. In this paper, we are especially interested in understanding where the identified differences in approaches to sanctions against *members* come from.

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2 The EU, the AU, the Arab League, the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC), the Commonwealth of Nations, the Union of South American Nations, and the Organization of American States (OAS) all have the possibility to use autonomous punitive measures of diplomatic or economic character in response to violations of certain principles, in particular undemocratic developments in their constituencies.

The AU's use of sanctions against unconstitutional changes of government and the Arab League's recent suspension of member states for actions taken within the country both represent breaks with prior legacies of non-interference in domestic affairs. Before the end of the Cold War, regional organizations used sanctions only exceptionally, and never against members for events confined within national borders. The few prior instances of regional sanctions against member states were not seen as involvement in *domestic* affairs but as reactions against events constituting a threat to other states. The Organization of American States framed its suspension of Cuba in 1962 in these terms,<sup>3</sup> and when the Arab League suspended Egypt, it was in reaction to the country's change in foreign policy towards Israel.

Moreover, with the exception of the Arab League's Israel-related sanctions against third countries, the organizations investigated in this paper did not – and still do not – use sanctions outside of their own region.<sup>4</sup> However, this paper argues that the way the newly founded organizations dealt with sanctions against non-members *that were considered part of the region* helps explain why their post-Cold War approaches to sanctions against members diverge. More specifically, distinct concepts of the region can be observed from their handling of international (ASEAN), mixed (OAU/AU), or own sanctions (Arab League). It is argued that these inherited concepts conditioned post-Cold War rethinking of non-interference, resulting in a diversity of regional approaches to sanctions.

*Third*, research on regionalism was for long notoriously euro-centered. In a recent contribution, Wunderlich (2012: 653) argues that “[w]e still know very little about regional actorness beyond the EU or about the circumstances under which regional organizations emerge as international actors.” For comparative research of non-European regional projects, the European example often lingers as the main point of reference for what is “proper regionalism” (Breslin/Higgott 2003: 176; cf. De Lombaerde *et al* 2010). Hence, progress is defined as rapprochement to the European example and “differences” are defined in terms of difference from the EU (Breslin/Higgott, 2003: 176; Milner 2011: 113; Wunderlich 2012). In concrete terms, “[t]his dominance of the EU on scholarly mental maps imposes an understanding of regionalism as being bound up with formal institutionalisation”, argue Breslin and Higgott (2003: 176). By focusing on the African, South-East Asian, and Arab approaches to sanctions, this paper consciously challenges the Euro-centrism of the field (Börzel 2012: 256). Narine (2008: 424) clarifies: “ASEAN has never aspired to be a European Union. Political and economic amalgamation is not a long-term goal.” While the institutional set-up of the AU appears heavily EU-inspired, its use of sanctions seems not (Hellquist 2012: Chapters 6-7). Finally, the Arab League was formed before European post-war cooperation had taken off and can thereby not have been inspired by the European example of regionalism. By studying three cases that are of interest in their own right, the ‘shadow of the EU’ on the analysis should be minimized.

3 The suspension of Cuba was justified as a reply to the “risk of intervention of extracontinental communist powers in the hemisphere” (Organization of American States 1962: 294-295).

4 All Israel-connected sanctions were connected to a regional issue that the Arab League considered of exceptional weight. This contrasts with the EU's foreign policy sanctions, which in most cases do not target issues of specific and direct European concern but rather address broadly defined norm violations in the sphere of democracy and human rights (see Portela 2010; Giumelli 2011; Hellquist 2012).

### 3. Three Regional Approaches to Sanctions

Regional organizations are increasingly active as senders of sanctions in situations that were previously judged of exclusive domestic concern. The shift from impunity to active norm promotion through sanctions started around the end of the Cold War and has gradually spread to include most regional organizations.<sup>5</sup> It means a significant rethinking of the notion of non-interference, which has, if not revolutionized, so at least reformed the relation between the international, regional, and the domestic level of politics. However, to better understand this phenomenon, it is necessary not only to acknowledge the trend, but also the considerable diversity within the trend. This section will outline the dependent variable of this study: the current diversity in approaches to sanctions of the AU, the Arab League, and ASEAN.

Among the multitude of regional organizations,<sup>6</sup> the three cases for this study have been selected due to their increasing political posture in the present and relatively similar priorities at the time of their formation. All three organizations took off as post-colonial projects – the Arab League in 1945,<sup>7</sup> the OAU in 1963,<sup>8</sup> and ASEAN in 1967,<sup>9</sup> and all had stable independence as the predominant objective. The shielding of state sovereignty and corresponding non-interference in each other's affairs, *regardless of regime type*, logically followed from this objective. In all their diversity, the respective post-war and post-colonial histories of the regions nourished similar understandings of internal and external sovereignty. Yet, their views on the suitable extent and means of regional interference in domestic affairs – analyzed in this paper through their approaches to negative sanctions against members – have developed in different directions with time.

The paper's key period of interest is the time in which the rethinking of the notion of non-interference took place. For the AU, a far-reaching sanctions doctrine institutionalizing collective action against unconstitutional changes of government was put at the center of African regional integration when the OAU transformed into the AU in 2002.<sup>10</sup> During most of the OAU's existence, this would have been considered

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5 The rise in regional sanctioning is part of a more general surge in the use of sanctions. Also unilateral and UN sanctions have significantly increased since the end of the Cold War (Cortright/Lopez 2000; Hufbauer et al. 2007). In consequence, it is common that different senders have sanctions in place against the same target.

6 There are more than fifty regional organizations that deal with broader issue packages, out of which 16 were created after the end of the Cold War (Börzel 2011: 11).

7 The Arab League was founded by Egypt, Iraq, Transjordan (Jordan from 1946), Lebanon, Syria, and Saudi Arabia. At present, it has 22 members: Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria (seat held by the Syrian National Coalition), Tunisia, United Arab Emirates, and Yemen.

8 The OAU was founded by 37 independent African countries. At present, the AU consists of 54 member states (all African countries except for Morocco, whose membership was withdrawn in 1984 because of the AU's recognition of Western Sahara). Member states subject to political sanctions are marked with an asterisk on the AU's website.

9 ASEAN was founded by Indonesia, Malaysia, Philippines, Singapore, and Thailand. It has enlarged to include six more states: Brunei Darussalam, Viet Nam, Laos, Myanmar, and Cambodia. East Timor handed in its application for membership in March 2011 and would be the last Southeast Asian state to join the Association.

10 The OAU and the AU are treated as one case in this study since the creation of the AU was the direct continuation of the OAU. The member states remained the same, as did the physical buildings and the staff. Moreover, the AU actively and increasingly promotes a positive memory of the OAU, just recently through the celebration of its 50<sup>th</sup> anniversary. Hence, the transformation of the OAU to the AU did not give birth to an entirely new organization, but can rather be likened to the change in European integration from the EEC to the EC to the EU.

as an unacceptable interference in domestic affairs. However, African sanctions against Burundi in 1996 (see Kioko 2003: 821; Wohlgemuth 2005: 126) gave an indication of the change to come and set an early precedent for the AU's sanctions doctrine. For the Arab League, the shift occurred later, when the organization decided to use sanctions against Libya and Syria in 2011. These were the first instances in which the organization used sanctions to react against events taking place *within the borders* of member states. Historically, it has used sanctions on a number of occasions discussed below, but always in connection to the Arab conflict with Israel. Of the three cases, ASEAN's repeated rejection of own sanctions appears to demonstrate the strongest continuity. However, its critical stance – most pronounced during the period of international sanctions against Burma/Myanmar, from around 1988 to 2012<sup>11</sup> – has been renegotiated throughout the years. Reflections on the meaning of non-interference were particularly intense during the preparations for the ASEAN Charter, which entered into force in 2008.

When it comes to sanctions, the development of a more forceful posture has been facilitated by external factors, most notably the increased space for regional political action created by the end of the Cold War, as well as by increased organizational maturity and capacity to act. However, the qualitative variation in regional approaches to sanctions does hardly depend on the stage of regionalism of each organization (Breslin/Higgott 2003: 174-176). The evolution of regional cooperation points in another direction. The Arab League, the AU, and ASEAN have developed their own localized versions of regionalism over time. Hence, the AU is considered well advanced in its activist peace and security policy, of which its sanctions doctrine against unconstitutional changes of government is a vital part. On the other hand, it has largely left economic integration objectives in the hands of the sub-regional African organizations. ASEAN has prioritized trade cooperation aimed at creating a common market over the last decades (ASEAN 2008b). From the ASEAN perspective, peaceful relations in the region are best achieved through respect of national diversity and non-interference in domestic affairs. The Arab League has repeatedly been declared dead, yet its comparative advantage may lie precisely in its ability to surprise and attract great international attention when it jointly acts on matters of exceptional regional importance (e.g., Israel/Palestine; Gulf War; Arab Spring). Hence, rather than reflecting different degrees of maturity, our cases appear to represent different qualitative trajectories. The diversity in regional approaches to sanctions is depicted in Table 1 below.

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11 By 2013 most, but not all, EU and U.S. sanctions against Burma/Myanmar have been suspended or altogether lifted.

Table 1. Regional Approaches to Sanctions

	African Union	Arab League	ASEAN
<b>Sanctions against members</b>	Yes	Yes	No
<b>Legal basis</b>	Art. 30 AU Constitutive Act 2000  Lomé Declaration 2000  African Charter on Democracy, Elections and Governance 2007*/2012**	Art. 18 Arab Pact 1945	---
<b>Scope</b>	Mono-normative (un-constitutional changes of government)	Flexible (regional concerns)	---
<b>Mechanism</b>	Automatic	Political	---
<b>Foreign policy sanctions</b>	No	Yes, with regional scope	No

\* adopted \*\* entered into force

Source: author's own research.

The following sub-sections outline these diverse approaches to sanctions against members in more detail.

### 3.1 African Union

"Condemnation and rejection of unconstitutional changes of governments" is one of the working principles of the AU (Organization of African Unity 2000a: §4p). As an expression of this principle, the Peace and Security Council of the African Union "has the power to institute sanctions whenever an unconstitutional change of government takes place in a member state" (African Union 2002: §7g; Makinda/Okumu 2008: 48).<sup>12</sup> Its experience of sanctions (as of November 2013) covers twelve episodes for ten countries: Central African Republic (March 2003 – June 2005; March 2013 – cont.), Togo (February 2005 – May 2005), Mauritania (August 2005 – April 2007; August 2008 – June 2009), Guinea-Conakry (December 2008 – December 2010), Niger (August 2009 – March 2011), Madagascar (March 2009 – cont.), Côte d'Ivoire (December 2010 – April 2011), Republic of Guinea-Bissau (April 2012 – cont.), Mali (March 2012 – October 2012), Egypt (July 2013 – cont.).

<sup>12</sup> In addition, members who fail to pay their contributions are subject to sanctions that suspend them from participation in Union activities (African Union 2005, 2009a). The Constitutive Act of the AU states that "any Member State that defaults in the payment of its contributions to the budget of the Union" will be subject to "appropriate sanctions" that take the shape of "denial of the right to speak at meetings, to vote, to present candidates for any position or post within the Union or to benefit from any activity or commitments, therefrom" (Art. 23:1, Organization of African Unity 2000a; interviews with AU Peace and Security Council Official, Addis Ababa, December 11 and AU Department of Political Affairs Official, Addis Ababa, December 17, 2010). Sanctions to enforce financial discipline are important for an organization that suffers from constant resource instability, and they have been judged to be quite effective (interview with AU Peace and Security Council Official, Addis Ababa, December 11, 2010). However, this paper is interested in the AU's sanctions policy against unconstitutional changes of government and will not deal further with these measures.

While the term ‘sanctions’ has still not been defined in the Peace and Security Council protocol (African Union 2002), the Lomé Declaration of 2000 establishes a framework for reactions to unconstitutional changes of government (Organization of African Unity 2000b).<sup>13</sup> The Lomé Declaration was decided upon pre-AU, when the OAU was on lit-de-parade, at the same summit where the AU’s Constitutive Act was instated (OAU’s 36<sup>th</sup> Summit; see Udombana 2002: 816). It remains the basic guiding document for the AU’s use of sanctions, complemented with the more ambitious African Charter on Elections, Democracy and Governance since February 2012 (African Union 2007).<sup>14</sup>

Since sanctions are exclusively used in reaction to unconstitutional changes of government, their purpose is articulated as the restoration of constitutional order, and the individuals targeted should in consequence be “those whose actions constitute (...) obstacles to the process of return to constitutional order,” or, differently put, “all individuals and entities, action of which contributes to the maintenance of the unconstitutional [alt. ‘illegal’] status quo” (Peace and Security Council of the African Union 2009, 2010a, 2010b). The AU stands for “total rejection of unconstitutional changes of Government,” or, differently put, “zero tolerance” for coups d’Etat (African Union 2009b; Peace and Security Council of the African Union 2010a). The well-delineated and strict sanctions policy against unconstitutional changes of government creates a significant regional mandate for interference in domestic affairs. However, this mandate is by no means necessarily progressive. Instead, the ‘automatism’ of the tool and its targeting of *change* is consistent with a traditional favoring of regime stability over rapid change.

AU sanctions target unconstitutional changes of government as sources of instability and promote a gradual process of democratization within established systems (Peace and Security Council of the African Union 2009: 19). The AU is ready to “take all necessary measures, including the condemnation of, and imposition of sanctions against any African country that would encourage, support or host armed groups whose objective is to destabilize another state” (African Union 2009b). Thus, not only the AU itself, but also its member states are prohibited from challenging existing regimes. This tenet follows an older tendency of African regimes more often joining forces in the common aim of maintaining the power status quo than in order to “assist people of another state to get rid of an oppressive regime” (Baimu/Sturman 2003: 43). The AU’s weak response to the brutal repression of protestors in Egypt, Tunisia, and Libya during the ‘Arab Spring’ can be argued to have followed this path.<sup>15</sup> The Union did not impose any sanctions against the regimes

13 In fact, the constitutional act of the AU opens up to the use of sanctions in other circumstances (interviews with Peace and Security Council Official, Addis Ababa, December 11, 2010, and with Peace and Security Department Official, Addis Ababa, December 20, 2010). Article 23:2 of the AU Constitutive Act allows the cut of the lines of transportation and communication as well as unspecified sanctions of “political and economic nature” – at the discretion of the AU Assembly – to be imposed against any member state that “fails to comply with the decisions and policies of the Union” (Organization of African Unity 2000a). This article provides for a potentially extensive application of sanctions, not only in terms of the norm violations covered (general noncompliance), but also by broadening the instrument to measures that are political or economic in nature (Magliveras/Naldi 2002: 423). Yet, no interviewee at the AU (Addis Ababa, December 2010) was aware of any on-going concrete plans to impose sanctions beyond the current procedures.

14 The Charter seeks to hinder the recycling of coup-makers in new elections (African Union 2007). Thus, the entry into force of the Charter (February 15, 2012) has the potential to considerably sharpen the AU sanctions regime.

15 However, all AU countries supported the imposition of sanctions against Libya through the UN Security Council’s (UNSC) Resolution 1970. Moreover, the three African non-permanent members of the UNSC (Gabon, Nigeria, and South Africa) all voted for Resolution 1973, which imposed the no-fly zone against the Libyan regime (United Nations Security Council 2011).

and was late in recognizing incoming governments. This is consistent with the letter of the sanctions doctrine: a consistency that comes at the price of contextual sensitivity at times.

The suspension of Egypt from the AU in July 2013 illustrates this point further. The military-assisted overthrow of President Mursi sparked vivid debates on what a coup d'état really is and whether there can exist "good," "democratic," or "benevolent" coups (e.g., Ayele Dersso 2013; Berman 2013; Esposito/Voll 2013; Keating 2013; Marcus 2013; Slaughter 2013; Tripathi 2013; Varol 2013; Zengerle/Strobel 2013). The AU Peace and Security Council did not visibly hesitate. Its statement of July 5<sup>th</sup> simply noted that "the overthrow of the democratically elected President does not conform to the relevant provisions of the Egyptian Constitution and, therefore, falls under the definition of an unconstitutional change of Government." Accordingly, the Council decided "to suspend the participation of Egypt in the AU's activities until the restoration of constitutional order" (Peace and Security Council of the African Union 2013). Doubts concerning the Mursi government's popular legitimacy after the long period of non-violent mass-demonstrations preceding his removal did not feature in the AU's decision (see also Wane in Essa 2013). The AU's quick and strict reply was unique among international actors. The EU, the UN, and the U.S. responded with reluctant acceptance to the events (Ayele Dersso 2013).

The Egyptian case is a fascinating example of how a sanctions policy intended to be 'apolitical' can end up making a controversial political stand. A strong message was sent out: the AU's doctrine against unconstitutional changes of government applies to all, also the big and powerful, and it does not take part in ideological battles. At the same time, the suspension of Egypt exposed the inherent vulnerability of the AU's sanctions approach: the difficulty in determining on objective grounds, without the benefit of hindsight,<sup>16</sup> what is a (military-assisted) popular uprising and what is a military coup. In late August, Dileita Mohamed Dileita, prime minister of Djibouti and member of the AU panel to Egypt, proclaimed that the suspension would soon be lifted (Mourad 2013). However, even after two rounds of visits from "high-level panels," and in spite of the diplomatic efforts from the new Egyptian regime, the country has still not regained its membership by November 2013.

In sum, the AU's use of sanctions makes up an unusually sophisticated and far-reaching example of regional politics entering the domestic sphere. Its doctrine against unconstitutional changes of government has gained the organization much international esteem and the AU's top officials reflect openly on how to improve the policy (interviews with high officials at the Peace and Security Department, the Peace and Security Council, and the Department of Political Affairs, Addis Ababa, December 2010). However, the built-in favoring of regime endurance moderates the transformative impact of the sanctions policy on African regionalism.

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<sup>16</sup> Since events keep accelerating in an ever more violent and polarized fashion, it is too early yet to take stock. As of mid-August, it is clear that the pressure on the interim government is rapidly increasing. Following the killings of hundreds of pro-Mursi demonstrators as well as journalists and arrests of many high members of the Muslim Brotherhood, its claims of the "popular revolution" are rapidly losing international credibility.



### 3.2 Arab League

In contrast to the AU, the often deeply divided Arab League reacted to violence against demonstrators/ later armed opposition in Libya and Syria with sanctions. In both cases the countries' memberships in the League were suspended and additional targeted sanctions were imposed against the Syrian regime. The League's ability to mobilize and punish two member states for events *confined within their domestic territorial borders* was taken to represent an identity shift for the organization.

Still in 1995, Barnett argued that "Arab states apparently have settled on sovereignty to govern their relations" (Barnett 1995: 495). Through a "sovereignty-friendly conception of Arab nationalism," the League had become more willing to "honor the principle of non-interference as the bases of their relations" (Barnett 1995: 482). However, the activation of the suspension mechanism, the imposition of additional sanctions, and the reference to the responsibility to protect in the Libyan case broke with this rule. These reactions also clashed with the predominant impression of the League as a "lowest common denominator" political actor, unable to produce much more than watered-down or straight-out meaningless resolutions (Maddy-Weitzman 2012: 71). Moreover, as expressions of disapproval from neighbors, the League's sanctions were taken to send relatively stronger messages to Syria and Libya than those of the usual external senders of sanctions.<sup>17</sup> That the Arab League – "a group of countries traditionally sceptical of the use of this policy tool" – imposed sanctions against a member state was also generally received with positive surprise by other international actors (Portela 2012: 5). According to Portela (2012: 2), EU sanctions against Syria – unprecedented in scale – "were agreed at the request of the League of Arab States."<sup>18</sup>

The legal basis for suspending member states is provided by the 18<sup>th</sup> article of the Pact of the League of the Arab States, the foundational agreement of the Arab League: "The Council of the League may consider any State that is not fulfilling the obligations resulting from this Pact as excluded from the League, by a decision taken by a unanimous vote of all the States except the State referred to."<sup>19</sup> It is the only type of sanction explicitly mentioned in the Pact (Khadduri 1946: 769). The article had been used only once prior to the 'Arab Spring', against Egypt in 1979 (see section 4.2 of this paper). When the League suspended Libya on February 22, 2011, it was the very first time it excluded a member state because of actions the leadership carried out against its people within its own borders (Maddy-Weitzman 2012: 73). Likely due to the quick progression of the international reaction, the League did not impose any own further sanctions, but played a decisive role in pushing through the UNSC no-fly-zone and subsequent military intervention against Libya.<sup>20</sup> The next suspension case followed on November 12, 2011. At the surprise of many observ-

17 In contrast, Hofmann and Jütersonke (2012) claim that the League's reactions to violence in Syria was characterized "internal dispute and thus institutional paralysis." They argue that the League's alleged inaction is due to the lack "competition over turf from another regional organization" (2012: 134-135). While their argument about the role of organizational competition for regional cooperation is highly interesting, and especially convincing for the case of Libya and AU/Arab League relations, their characterization of inaction is questionable in light of the Arab mission and sanctions package (see Maddy-Weitzman 2012: 76)

18 It is also notable that Turkey chose to align with the League's measures and to impose a package of own sanctions (Portela 2012: 5).

19 Libya and Syria were suspended even though the formal requirement of unanimity was not reached.

20 According to Hofmann and Jütersonke (2012: 134), the League was instrumental in convincing China and Russia not



ers, the League suspended Syria – the self-declared “beating heart of the Arab world” – from its activities (Maddy-Weitzman 2012; Al Arabiya with AFP 2013). With 18 yes-votes, two no-votes (Lebanon and Yemen), and one abstention (Iraq), the League was unusually united in this decision (Batty/Shenker 2011). The decision to suspend Syria followed the lack of compliance with the League’s demands for the regime to end violence, free prisoners, withdraw the army from the cities, open access to foreign journalists, and start dialogue with the opposition under the mediation of the League.<sup>21</sup> In late November and early December, two rounds of sanctions followed, including a travel-ban for Syrian officials, freezing of Syrian assets, and rupture of financial dealings with Syrian banks (Maddy-Weitzman 2012).

The way the measures against Syria were justified demonstrates the continued *rhetorical* relevance of Arab nationalism. The Qatari prime minister, Sheikh Hamad bin Jasssem bin Jabr bin Muhammad Al Thani, commented on the suspension of Syria that it “is a dear country for all of us and it pains us to make this decision” (Batty/Shenker 2011). *The Guardian* quoted Mohamed Saidi, a Syrian-born engineer present during protests in Cairo on the occasion of the meeting, saying that “[i]f Arab unity still means anything, then it must mean something today,” and “[w]e must speak as one on this; everything else is secondary” (Batty/Shenker 2011). Assad replied to Arab criticism playing on similar cords. In his rhetoric, “it was Syria that represented Arab identity and had advanced Arab interests, politically and culturally” and “intensifying pressure and diversifying plots [are] not only targeting Syria, but all Arabs” (Maddy-Weitzman 2012: 77; Al Arabiya with AFP 2013). Following this logic, “[s]uspending Syria from the Arab League simply meant that the league had suspended its Arabness” (Maddy-Weitzman 2012: 77). Whether or not Pan-Arabism is a genuine concern for the Arab League, it is still in use as a weapon in political discourse.

Behind the Pan-Arab rhetoric is a fragmented group of states from which some members – for the cases of Libya and Syria in particular the Gulf monarchies – may see an opportunity to gain the upper-hand in the struggle over regional leadership via the use of sanctions. We will return to this issue in section 4.2 of the paper, showing that competing interpretations of visionary Pan-Arabism have both complicated and empowered Arab regional cooperation since the beginning. Its foundational boycott of Israel, the ‘Other’ par excellence for Arab identity formation, was justified through an understanding of the region as a utopian Arab nation-state in which Palestine was an integral part. Yet, the boycott soon developed a pragmatic detachment from strict economic isolation. Hence, this early experience of negative sanctions effectively displays the clout and limits of Pan-Arabism as a factor in cooperation between Arab states.

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to place their veto on UNSC Res. 1970 and 1973. The League also argued in favor of R2P-terminology to be used in the resolutions (Hofmann/Jütersonke 2012: 134). Maddy-Weitzman (2012: 74) compares the League’s actions in front of the UNSC with its 1990 critical stance against Saddam Hussein, finding that it “provided vital Arab legitimacy for Western governments’ subsequent actions” in both instances.

21 In December 2011, Syria allowed an Arab monitoring mission, originally consisting of 165 delegates, to enter for reporting on compliance with these requests (Maddy-Weitzman 2012: 76). The mission was counteracted by the regime and, in addition, suffered internal credibility issues. Anwar Malek, an Algerian monitor, called the mission a “farce” and criticized the leadership of the mission (Peel 2012). It was suddenly interrupted in late January 2012 due to the continued use of violence (BBC News Middle East 2012). Days before the official freezing of the mission, the Gulf Cooperation Council (GCC) states had withdrawn their representatives, leaving the number of observers down to 110 (BBC News Middle East 2012).

### 3.3 ASEAN

Institutionalized means for interference in domestic affairs appear a very distant prospect for ASEAN, in spite of repeated pressures both from external actors and some member states to open up for such measures. Yet, ASEAN has changed a lot both in organizational structure and mandate since its conception, mirroring changed regional priorities and paradigm shifts in the international power balance (Poon-Kim 1977: 764; Narine 2002: 5). The ASEAN Charter, which entered into force in 2008, has been considered a stepping-stone towards a reformed Asian regionalism. The adoption of a Charter was already proposed in 1974 by the Philippines “as part of the current efforts to institutionalize the function and structure of ASEAN” (ASEAN 1974). Several observers argue that the Charter that was eventually adopted 34 years later, had been strongly inspired by the European Union (EU) (Hwee 2008: 92; Wunderlich 2012). Wunderlich concludes that the Charter “almost mimics EU-style institutionalization.” Together with the Vision 2020 (ASEAN 1997a) and the Political and Security Blueprint<sup>22</sup> (ASEAN 2009), the ASEAN Charter (ASEAN 2008a) considerably broadens the prospect of norm-oriented political cooperation through a “new political commitment at the top level” (ASEAN 2012). However, none of these documents include a sanctioning mechanism in case of norm breaches. This is not coincidental, since the recommendations of The Eminent Persons Group (EPG),<sup>23</sup> which prepared the Charter, opened up for sanctions against members:

*“ASEAN should have the power to take measures to redress cases of serious breach of ASEAN’s objectives, major principles, and commitments to important agreements. Failure to comply with decisions of the dispute settlement mechanisms should be referred to the ASEAN Council. Such measures may include suspension of any of the rights and privileges of membership. Unless otherwise decided by the ASEAN Council in exceptional circumstances, there shall be no recourse to expulsion of membership” (ASEAN 2006: 4).*

However, this proposal was rejected by ASEAN governments (Narine 2008: 422), mirroring “conflicting visions on ASEAN’s continued role in the region” (Bennett/Ginsberg 2012). A reconsideration of the non-interference principle has proved to be especially controversial for new member states (Narine 2008: 419).<sup>24</sup> Notably, the EPG’s call for member states to “calibrate their traditional approach of non-interference” did not refer to the instances of human rights violation that have brought international criticism upon ASEAN in the last decades. Instead, they refer to “[r]ecent events such as the Asian Financial Crisis, the SARS epidemic and the Asian tsunami disaster of 2004” to emphasize the need for closer cooperation (ASEAN 2006: 13; see Freistein 2005: 180–6; Narine 2008: 420).

In absence of an own sanctions doctrine, the ASEAN stance on sanctions has been strongly branded by its lobbying for international sanctions against Burma/Myanmar to be lifted. Also bilaterally, almost all Asian

22 The blueprint sets the basis for one of the three ‘pillars’ of a future ASEAN Community: the ASEAN Political-Security Community (APSC) (ASEAN 2009).

23 The EPG was made up of one prominent representative from each of the ten member states (mainly former or acting ministers, all male (ASEAN no date)).

24 Mauzy (1997: 211-212), on the other hand, points at Singapore, Malaysia, and Indonesia as having most “aggressively resisted the human rights and democracy discourse emerging from the West.”

countries (with the partial exception of Japan and South Korea) have chosen to keep political and economic ties with the Burmese regime (Pedersen 2008: 63). By rejecting international sanctions, ASEAN took on considerable costs in its relations to third parties (Katanyuu 2006: 842-843; Pedersen 2008: 32; Vennesson/Portela 2013: 205). The readiness to pay a price in its relations to major trading partners shows how rejection of external interference has endured as dominant principle and key aim of the ASEAN way (Acharya 2009: 129). Furthermore, increased international sanctions against Burma/Myanmar were intended to dissuade ASEAN from accepting the country as a member, yet had the opposite effect (Acharya 2009: 132).

ASEAN justified its criticism of sanctions claiming that a “process of constructive engagement” would have a better chance at bringing about “political reform” (Narine 2008: 418). It is however disputed whether this policy genuinely constituted an alternative way of dealing with the urgent lack of human rights in the country (Pedersen 2008: 67; Jones 2012), or, in practice, “implied a particular kind of interference in support of the regime” (Acharya 2009: 133). At least after the devastating tsunami hit Burma/Myanmar in 2009, constructive engagement took the form of critical diplomacy. ASEAN foreign ministers urged for international aid to be let into the disaster areas, and Secretary-General Surin Pitsuwan himself travelled to the country in the same errand. Only after this visit did the junta open borders to international aid workers (Bennett/Ginsberg 2012).

However, the critique of sanctions was not univocally articulated by the whole organization, and member states had different ideas of how to alternatively handle the situation (Haacke 2008). According to an “official source in ASEAN,” cited in Acharya (2009: 133), “constructive engagement means that each [ASEAN] country can do what it wants, say what it wants as it sees fit”. Hence, the acceptance of Burma/Myanmar as a member of ASEAN in 1997 was preceded by internal dispute and the Philippines have called for Burma/Myanmar to be discussed at the UN Security Council (Pedersen 2008: 63). Moreover, parliamentarians in the ASEAN countries have tended to be more favorable of a hard line than their governments (Katanyuu 2006: 836, 839; Pedersen 2008).<sup>25</sup> On the other hand, Singapore and Vietnam remained strictly opposed to sanctions, the latter drawing on its own experience of being subject to international sanctions (Haacke 2008: 360).

To conclude, even in absence of an own sanctions policy, sanctions have been a regular issue on ASEAN's agenda over the last couple of decades. Its deliberate refusal to institute an own sanctioning mechanism in its Charter demonstrates the continued ideational and practical importance of the principle of non-interference in Southeast Asian affairs. The second pillar of the ASEAN approach to sanctions has been its critique of international sanctions against Burma/Myanmar. Following the reform initiatives of the regime, most international sanctions have been lifted by now. While convinced proponents of sanctions might attribute this development to the success of punitive measures in inciting change, Bennett and Ginsberg (2012) argue that “ASEAN's policies of open diplomacy and non-intervention have gained more credibility.” In consequence, the criticism of sanctions put a strain on relations to international actors, but ended up boosting the Association's self-confidence in the ‘ASEAN way.’

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<sup>25</sup> As noted by Pedersen (2008: 63), the same goes for European and U.S. parliamentarians.

#### 4. Back to the Roots

To say that history matters is a platitude in the social sciences of today. Yet, beyond the circle of committed historical institutionalists, surprisingly few scholars actually place contemporary political puzzles in time (Pierson 2004). Neither the “institutional turn” of international relations scholarship (Fioretos 2011: 368), nor the field of comparative regionalism have widely embraced the historical. New generations of research on regionalism have replaced each other, mirroring increased scholarly activity as well as quickly evolving experiences of regional cooperation on the ground.<sup>26</sup> Some contributions have reflected on the history of the scientific *study* of regions and regionalism (Breslin/Higgott 2003) and others have provided chronological accounts of the evolution of regionalism (Narine 2008; Rüländ/Jetschke 2008). Hence, we know that regionalism has expanded and changed character during the past half century (Fawcett 2004). Moreover, while descriptive outlooks into recent past are common, little concern has been paid to how historical legacies condition current policy positions and priorities of different regional cooperation/integration projects.

In the following sections, this paper seeks to move beyond a general ‘history matters’-declaration to locate the ideational and practical origins of regional approaches to sanctions. The cases investigated in this paper show that we should not get deceived by the speed of regional developments to believe that only the present matters for regionalism (see Breslin/Higgott 2003: 179 on “keeping pace” with practice on the ground). On the contrary, if historical trajectories condition regionalism – constraining or enabling certain policy options – this is of utmost importance for a comparative understanding of regional projects. As put by Korany (1986: 66), “an overconcentration on ‘current events’” may prevent the discovery of “political or social patterns.” However, this paper does not conceive the role of the past for the present in linear causal terms. This would disregard that systemic transformation or individual agency may trigger path departures at any point in time and that intervals of historical consciousness may follow periods of amnesia or revisionism. Instead, the paper highlights that what may appear as policy innovation often draws on an ideational heritage where selected parts are reactivated for contemporary purposes.

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<sup>26</sup> Börzel (2012: 255) writes: “There is new and old regionalism, regionalism in its first, second and third generation; economic, monetary, security and cultural regionalism, state regionalism, shadow regionalism; cross-, inter-, trans- and multi-regionalism; pure and hybrid regionalism; offensive, extroverted, open or neoliberal as opposed to defensive, introverted, closed, resistance, regulatory and developmental regionalism; lower level and higher level regionalism; North, South and North-South regionalism; informal and institutional regionalism – just to name a few of the labels the literature has come up with to account for the new trend in International Relations.” The current paper does not position itself in this web of concepts and perspectives on regionalism. Rather, it aims to improve our understanding of the African, Arab, and Southeast Asian approaches to sanctions by exploring how they are informed by historical legacies.

#### 4.1 *Apartheid, Sanctions, and Pan-Africanism*

*“We are determined to create a union of Africans. In a very real sense, our continent is unmade; it still awaits its creation and its creators. It is our duty and privilege to rouse the slumbering giant of Africa, not to the nationalism of Europe of the nineteenth century, not to regional consciousness, but to the vision of a single African brotherhood bending its united efforts toward the achievement of a greater and nobler goal.”*

Haile Selassie, Emperor of Ethiopia

Address at the Summit Conference of African Heads of States, Addis Ababa, 22 May 1963

When the OAU was formed in 1963, Africa was a continent largely divided between different Cold War interests. Yet, the African states managed to set up an organization on the basis of shared ideas about racial equality and de-colonization (Thörn 2006: 71). As the above quote demonstrates, Emperor Haile Selassie set high standards in his inaugural speech. The task ahead was not to build nationalism or “regional consciousness,” but to create a continent. In the name of Pan-Africanism, the organization sought to protect the nation-state from external interference in order to consolidate the given territorial borders after independence (Murithi 2005: 30; Verdier 2010: 27). Since these young states would have been unable to defend their borders with the use of force, external sovereignty and mutual respect of non-interference was “the counterpart of internal state weakness” (Verdier 2010: 27).

The strongest expression of the OAU’s attempt to build a “postcolonial Pan-African identity” was its joint struggle against apartheid, “articulated in terms of de-colonization and national self-determination” (Thörn 2006: 71). At the inauguration of the organization, Ethiopia’s Emperor Haile Selassie (1963: 282) declared: “Today, We name as our first great task the final liberating of those Africans still dominated by foreign exploitation and control” and that “[o]ur liberty is meaningless unless all Africans are free.” When the AU celebrated the OAU’s 50<sup>th</sup> birthday in May 2013, under the theme of “Pan-Africanism and the African Renaissance”, apartheid was yet again remembered as a matter of colonialism.<sup>27</sup> The Chairperson of the AU Commission, Nkosazana Dlamini Zuma (African Union Commission 2013: 3), heralded the link between the struggle against apartheid and pan-Africanism:

*“Five decades later the mission of the founding heroines and heroes, to rid the continent of colonialism and apartheid, has largely been fulfilled. This was possible because of the Pan Africanist values of unity and solidarity.”*

Although the positions to apartheid on the continent contained some variation, the OAU prioritized “preserving normative consensus” on the issue (Organization of African Unity 1965, 1966; Klotz 1995: 46).<sup>28</sup> In particular the OAU successfully united its members in the “coalition politics” of the UN system, pushing for isolation of and confrontation with South Africa (Shaw 1976: 18). The anti-apartheid struggle was largely seen as a human rights issue, which might have blocked the OAU from developing a more extensive human

<sup>27</sup> The whole year of 2013 has been declared “the Year of Pan-Africanism and the African Renaissance.”

<sup>28</sup> Another African regional organization, the Southern African Development Community (SADC) was conceived to exclude and weaken apartheid South Africa (Fawcett 2004: 432).

rights policy repertoire (Murray 2004: 18-21). However, the normative consensus was permissive of discursive framings “with different ideological implications,” as “anti-imperialism, national self-determination, de-colonization, anti-capitalism, or Pan Africanist anti-racism” (Thörn 2006: 68).

South-African membership in the OAU was unthinkable under its racist white minority rule (Klotz 1995: 76). Yet, throughout apartheid, the country retained what could be called a shadow membership, which was to be activated after liberation. The OAU Charter (Organization of African Unity 1963: §IV) stated that “[e]ach independent sovereign African State shall be entitled to become a Member of the Organization.” This inclusive membership criterion shows that, already in the OAU-era, African integration was intended to have continental reach. However, South Africa fell short of the requirement of being independent and sovereign and, therefore, “the OAU never considered apartheid an issue of domestic jurisdiction” (Klotz 1995: 76).

The meaning of sanctions for the OAU’s struggle against apartheid cannot be emphasized enough. Sanctions were the policy incarnation of the joint African fight against racial discrimination and colonialism. In consequence, questioning the utility of sanctions was largely taboo. “Promotion of sanctions” was a “recurring theme” in the OAU’s fight against apartheid (Klotz 1995: 76). Indeed, the inaugural conference of the OAU in 1963 produced a “resolution on apartheid and Racial Discrimination” and, at the organization’s very first Assembly meeting in 1964, the Heads of State and Government noted that “sanctions of every nature (...) [are] the only means available of achieving a peaceful solution to the explosive situation which prevails in South Africa” and appealed to “all countries to apply in the strictest manner the economic, diplomatic, political and military sanctions already decided by the United Nations General Assembly and Security Council” (Organization of African Unity 1964). In addition to the international sanctions, the OAU committed to an own blockade of South-African airplanes and ships seeking to enter their territory (Organization of African Unity 1964: Art. 6). One year later, the OAU “request[ed] those African States and other States which still have commercial ties with South Africa to sever them as soon as possible;”<sup>29</sup> and called for continued “activities in order to secure from the Security Council the implementation of the resolution passed in connection with economic sanctions” (Organization of African Unity 1965). As concerns Southern Rhodesia (Zimbabwe), OAU “not[ed] that economic sanctions have not been sufficiently applied to overthrow the illegal minority regime in Southern Rhodesia and thereby accelerate the establishment of majority rule” and “appeal[ed] to all Member States of the United Nations and all peace loving nations of the world not to recognize the racist minority regime in Rhodesia” (Organization of African Unity 1966). Statements on apartheid reoccur on every summit or high-level meeting of the OAU until 1994.

The anti-apartheid struggle was an important learning experience for the OAU in the difficult conduct of international politics and diplomacy. On the one hand, the OAU needed an international audience to make its human rights discourse heard, and it was a very active supporter of the “transnational antiapartheid movement” (Thörn 2006: 71).<sup>30</sup> Klotz (1995: 90), for example, writes that “[w]ithout a Pan-African commitment to racial equality, there would have been no international anti-apartheid sanctions movement.” Indeed, the UN General Assembly referred to an earlier OAU declaration in 1973 when it recognized the

<sup>29</sup> Neighboring countries to South Africa sometimes had difficulty following the sanctions regime (Klotz 1995: 76).

<sup>30</sup> For instance, the OAU cooperated with the Afro-American movement and exercised diplomatic pressure against – among others – the U.S. to harden its policy towards the apartheid regimes (Nesbitt 2004: 51).

South African liberation movements, the African National Congress (ANC) and the Pan Africanist Congress (PAC) as “the authentic representatives of the people of South Africa” (Thörn 2006: 71). In doing so, the Assembly – just like the OAU – “confirmed the principle of national sovereignty, however altering its subject in the specific case of South Africa”, thereby circumventing the South African regime’s claim that “any criticism of apartheid was an intervention in its ‘internal affairs’” (Thörn 2006: 70).

On the other hand, the international community was divided on whether to employ sanctions against South Africa or not for very long. The OAU had singled out sanctions as the preferred way of fighting apartheid, but was repeatedly let down by the UNSC’s perceived leniency and the reluctance of certain countries to impose or obey sanctions. Notably, Britain defied international sanctions until 1985 when it bent to pressure from other European states and agreed to join the sanctions of the European Economic Community (EEC) (Thörn 2006: 71, 75).<sup>31</sup> Just from the late 1980s on the international community was mobilized around anti-apartheid sanctions.<sup>32</sup> This mixed experience provided an important lesson: support of the international community can be instrumental for resolving regional problems, but it cannot be counted on. Hence, the region needs “African solutions to African problems.” This insight carries on in the AU’s current sanctions doctrine, which emphasizes African autonomy, but welcomes international support (see Hellquist 2012: Chapter 7).

The OAU’s struggle against apartheid drew on and further fostered a concept of the region as a united continent. Moreover, the continent was constructed not only ideationally, but also practically as an agent on the regional and international political scene through this issue. Similarly, the OAU’s successor, the AU, justifies its sanctions policy in continental, i.e., Pan-African, terms. The basis of the AU’s sanctions doctrine is that member states do not want to “feel outside of the African society” (interview with official at the AU Department of Political Affairs, Addis Ababa, December 17, 2010). In other words, AU sanctions serve to put a country in the “sickroom” and then “bring them back” (interview with official at the EU Delegation to the African Union, Addis Ababa, December 7, 2010). The suspension of member states is always a temporary measure that intends to reunite the ‘family’ as soon as possible.

The end of apartheid represented the conclusion of the African independence struggle and the reunification of the continent as an integral self. Sanctions were given much credit for the fall of the apartheid regime in South Africa. Hence, the anti-apartheid struggle constitutes a positive legacy for joint African agency through sanctions. This legacy could be activated in a formalized, allegedly ‘apolitical,’ regional sanctions regime only once the OAU had been transformed into the AU. However, the rethinking of the notion of non-interference from the OAU to the AU may be less radical than it appears at first sight.

First, the AU’s sanctions doctrine promotes regime stability and is inherently skeptical of quick democratization. Hence, its use of sanctions is consistent with the traditional shielding of state sovereignty regardless of regime type. In that sense, it serves to protect rather than transform the status quo of political business on the continent. A reformulation of the OAU’s rejection of interference in domestic affairs into an openly

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31 Not only did Britain disagree with international sanctions, but Margaret Thatcher famously labelled the ANC a terrorist organization (Thörn 2006: 81).

32 During this period, even ASEAN supported sanctions against apartheid.



political sanctions instrument, i.e., one which explicitly depends on the interpretations of individual states, would have been far too sensitive ideationally and practically unmanageable with a retained continental perspective. In consequence, it is no coincidence that the AU sanctions regime aims to be ‘automatic’ and ‘impartial’ and concerns only one relatively clearly delineated norm violation.

Second, governments that are judged to completely lack legitimacy are *not* shielded from interference in either versions of African regionalism. The South-African apartheid regime was not considered a legitimate sovereign and, therefore, the principle of non-interference did not apply. In the AU’s sanctions policy, governments that have come to power through unconstitutional means are not considered legitimate and, therefore, the principle of non-interference does not apply. Hence, the instep of regional politics into the domestic affairs of member states through sanctions follows a reformed and slightly more demanding view of what a legitimate government is. In that respect, the AU has distanced itself from the OAU’s legacy of a “mutual preservation club” for dictators (Makinda/Okumu 2008: 11). Yet, its notion of legitimacy remains generous, as it does not discriminate on the basis of regime type, but leans on the procedural requirements of existing constitutional order.

#### 4.2 *The Boycott of Israel and Arab Nationalism*

*“Each member-state shall respect the systems of government established in the other member-states and regard them as exclusive concerns of those states. Each shall pledge to abstain from any action calculated to change established systems of government.”*

§ 8 Arab Pact (League of Arab States 1945)

*“The League is indispensable to us. It is the symbol of Arab authority and the center of our political life. Its unifying spirit is more important than all other things.”*

Syrian Minister in La Bourse Egyptien, May 12, 1949 (cited in Seabury 1949:641)

As expressed by the above quotations, the Arab League engaged in a tricky balancing act between the emotional ideal of Pan-Arabism and a practical commitment to mutual respect of state sovereignty following the experiences of colonialism from its early years. The founding document of the Arab League, the Arab Pact, was signed by the heads of state of Syria, Transjordan, Iraq, Saudi-Arabia, Lebanon, Egypt, and Yemen on March 22, 1945 (League of Arab States 1945). Half a year earlier, the parameters for the future regional organization had been established in the Alexandria Protocol (Preliminary Committee of the General Arab Conferences 1944). The formation of the Arab League was justified in terms of an “overarching pan-Arab identity” (Maddy-Weitzman 2012: 71).<sup>33</sup>

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<sup>33</sup> Already in 1931, the *Arab Covenant* put the main principles of Pan-Arabism to print during a meeting in Jerusalem. The first article reads: “[t]he Arab Lands are a complete and indivisible whole, and the divisions of whatever nature to which they have been subjected are not approved or recognized by the Arab nation” (cited in Seabury 1949: 635).



The literature consensually emphasizes the importance of the development in Palestine – central for the pan-Arab identity – for the creation of the League. Padelford (1954: 207) writes:

*“The common Arabic and Moslem background of the Arab states of the Near East undoubtedly facilitated the formation of the League of Arab States in 1945, but it may be questioned whether this element alone would have exerted sufficient force to draw these states together had they not been faced with a common concern with respect to Palestine.”*

Indeed, the Alexandria Protocol contained a “special resolution concerning Palestine,” and the Arab Pact an annex on the Palestinian issue. The special resolution expresses the “opinion that Palestine constitutes an important part of the Arab World and that the rights of the Arabs in Palestine cannot be touched without prejudice to peace and stability in the Arab World” and “declares its support of the cause of the Arabs of Palestine and its willingness to work for the achievement of their legitimate aims and the safeguarding of their Just rights” (Preliminary Committee of the General Arab Conferences 1944). The annex spells out that Palestine will have due representation in the League, even though it lacks effective independence (League of Arab States 1945, see below).

The Arab League’s boycott of Israel was decided on in 1945 and became effective in 1946 (case 46-1 in Hufbauer *et al* 2007: 24). As “an emotional and economic reaction to a political conflict” (Turck 1977: 491), the boycott has set the tone of the League’s political posture more than any other single policy. It was presented as the continuation of the Arab struggle against colonialism. Hence, true independence for Palestine was the objective, and the Jewish immigration and the eventual establishment of the state of Israel were considered an external takeover of Arab land (see Preliminary Committee of the General Arab Conferences 1944).

While the Arab League’s sanctions against Israel and Israel-friendly actors are against non-member states (with the exception of Egypt 1978-1983), they clearly work within the League’s normative territorial conception of the region. The League does not use foreign policy sanctions to discipline external actors if there is no regional dimension to the issue at hand (cf. EU foreign policy sanctions). Since Palestine was considered an integral part of the Arab region in the Arab League’s understanding, the creation of a ‘Zionist state’ constituted an unacceptable ‘external’ interference in the region. The Arab Charter’s annex on Palestine states that “[h]er international existence and independence in the legal sense cannot (...) be questioned, any more than could the independence of the other Arab countries” (League of Arab States 1945). Therefore, in spite of its *de facto* lack of independence, Palestine was represented in the League from the start.

Together with some derivative external measures also linked to the conflict with Israel, the boycott represents an exceptional use of foreign policy sanctions for the League. During 1973-1974, the League famously had an oil embargo in place against the United States and the Netherlands in retaliation of their support of Israel in the Yom Kippur War/October War (case 73-1 in Hufbauer *et al* 2007: 24), and in 1979 against Canada to protest against its planned move of the Embassy from Tel Aviv to Jerusalem (case 79-3 in Hufbauer *et al* 2007: 26). For Israel itself the boycott brought a certain nuisance, but hardly hindered its economic development (see Losman 1972; Turck 1977). However, the boycott developed into an instrument

of broader foreign policy implications. Starting out with a *primary boycott* of trade with Israel or its nationals, the embargo was extended with a *secondary boycott* in 1950 which instituted a refusal to trade with non-Israeli nationals or companies which were deemed to “significantly contribute to Israel’s economic and military strength” (Turck 1977: 474). A bureaucratic system with local offices and a Central Boycott Office (CBO) in Damascus was set up to manage the blacklists that were used to enforce the boycott (Turck 1977: 474).<sup>34</sup> Blacklisting was a malleable interpretative exercise, with new offenses regularly added “so that almost any commercial transaction can be deemed boycottable if the Arabs so choose” (Losman 1972: 107). In 1954, a *tertiary boycott* was added, which “forbid utilization of materials, equipment or services of a blacklisted firm by a non-blacklisted firm in its exports to or projects in an Arab country (Turck 1977: 477).<sup>35</sup> While the boycott was radical in its reach and content, Turck (1977) argues that the boycott administration was usually open to negotiating with blacklisted companies to correct discriminatory language use (i.e., slackening of the distinction between Jewish and Zionist),<sup>36</sup> and to adapt its concrete instruments in response to criticism.<sup>37</sup>

The only occasion prior to the Arab Spring that the League suspended a member state was directly related to the Arab-Israeli conflict.<sup>38</sup> Between 1979 and 1989, Egypt was suspended from the organization following its peace accord with Israel in Camp David. Korany (1986: 75) calls the Egyptian President Anwar Sadat’s visit to Israel in 1977 – a crucial step towards the peace agreement – a “psychohistorical shock.” That one of the most important Arab countries chose to go solo in relation to Israel “signaled that state interests and Arab interests did not always coincide, even on defining issues” (Barnett 1995: 502). From 1978 until 1983, the League had economic and diplomatic sanctions in place against Egypt (case 78-6 in Hufbauer et al 2007: 25) and the headquarters were moved from Cairo to Tunis between 1979 and 1989. While the policy initially targeted the Egyptian government and favored maintained contacts with the Egyptian people, this distinction was dropped at the second summit in 1979. According to Lavy (1984: 425), the message was clear: “Egypt no longer belonged to the family of the Arab world.”

The embargo against Israel and related measures effectively illustrate the tensions of the Arab project. On the one hand, the focus on Palestine at the time of the League’s formation was the concrete expression of its ideational basis: anti-colonialism and pan-Arabism. Hence, Arab identity formation and the concrete

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34 With Syria suspended, the CBO is believed to operate from Cairo (Weiss 2013:1)

35 The secondary and tertiary dimensions of the boycott had far-reaching implications especially for relations with the U.S., which considered the Arab boycott discriminatory and imposed counter-legislation. In fact, the separation between a primary, a secondary, and a tertiary boycott was an American categorization; from the Arab perspective there is only one boycott (Turck 1977).

36 Already in the Alexandria Protocol the Arab Committee commits to this distinction, declaring that it “is second to none in regretting the woes which have been inflicted upon the Jews of Europe by European dictatorial states. But the question of these Jews should not be confused with Zionism, for there can be no greater injustice and aggression than solving the problem of the Jews of Europe by another injustice, i.e., by inflicting injustice on the Arabs of Palestine of various religions and denominations” (cited in Achcar 2010: 47). However, as described by Achcar (2010: 80), the ‘Young Egypt’ movement had declared a clearly anti-Semitic boycott in 1939.

37 Turck mentions the change from negative certificates of origin to positive ones (1977: 492).

38 It did align with the UN pre-war sanctions against Iraq (case 90-1 in Hufbauer et al 2007: 85) and famously supported the U.S. invasion following Iraqi invasion of Kuwait. However, Iraq was not formally suspended from League activities.

issue of Israel appear to be strongly interrelated rather than separate matters (cf. Maddy-Weitzman 2012: 73). Barnett (1995: 507) confirms that whereas much of pre-1967 Arab League cooperation focused on “Arab-Israeli issues,” in informal meetings pan-Arabism remained an important conversational theme. On the other hand, the Israeli conflict exposed the contradictions and conflicts within Arab nationalism. Padelford (1954: 211) observes: “in their failure to prevent the creation of Israel or to choke off its existence, elements of internecine bitterness became injected into Arab relationships”. Similarly, Barnett (1995: 498) argues that “separate state-national identities [...] were reinforced by the Arab-Israeli conflict” and Korany (1986: 68) finds that the Israeli conflict led to Arab division and exhaustion of political and military energies.

The long-lived embargo lucidly illustrates how the symbolic and the practical are detached in Arab politics. It is well known that the embargo has stopped having much practical impact since long (Weiss 2013). Yet, it remains formally in force and there is little sign that it will be lifted. Likewise, the League’s diplomatic sanctions against Egypt were abolished in practice long before they were officially lifted. Hence, Arab policy towards Israel, undoubtedly at the very core of the Arab League’s agenda from the beginning, has been characterized by fragmentation and contestation. Already in 1972, Losman (1972: 108) found that “a detailed study of boycott practices reveals little consistency in decision-making; boycott operations are characterized by a high degree of arbitrariness and unpredictability.”

To make sense of this enduring pattern of contestation and fragmentation, it is necessary to briefly consider not only the ideational foundations of the boycott, but of inter-Arab politics at large. Just as in the African and Southeast Asian cases, regional cooperation between Arab states resulted from and built on the memories of struggles for independence. Hourani (1947: 126) even claims that the idea of Arab unity is inseparable from the specificities of the Arab independence struggle: “[t]hroughout the four hundred years in which they formed part of the Ottoman Empire, the Arabs, although no longer sovereign in their own home, nevertheless preserved the sense of a community” (Hourani 1947: 126). Indeed, “very few regions in the world seem to be endowed with as many basic objective and subjective factors of togetherness as the Arab world” (Korany 1986: 67).

In addition, the sense of unfairness, disrespect, and oppression associated with colonial borders received ideational backing from Arab nationalism: “the Arab nationalists naturally contended that European imperialism had deliberately followed a policy of *divide et impera* since it was easier to dominate the Middle East by creating small and helplessly weak states than to allow a vast area of Western Asia to unite, and hence to become difficult to control” (Khadduri 1946: 759). Indeed, the great powers “reconstruct[ed] the Arab world” through the imposition of mandates following the collapse of the Ottoman Empire and the end of World War I (Barnett 1995: 492-493). Several concrete attempts to form political unions were made in the early post-colonial period (see Khadduri 1946) and, in the late 1950s, the final goal of one constitutional state seemed to be “just around the corner” (Korany 1986: 69). Yet, Arab unification in one state did not occur. Instead, Syria left the United Arab Republic, the political union it had entered with Egypt in 1958, after only three years.<sup>39</sup> This was “a serious blow to the attainability of the dream” of Arab unification (Korany 1986: 70).

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<sup>39</sup> The confederation between the United Arab Republic and North Yemen – the United Arab States – was dissolved in 1961 as well.

It is a pattern of modern Arab history that leaders of Arab states have been torn between nationalism defined at the level of the region and at the level of established state borders (Khadduri 1946: 763 on Egypt; see Barnett 1995: 485-486, 494). In general, the Arab League developed as “a product of the dilemma between state sovereignty and Arab nationalism” (Dakhlallah 2012: 1). In Barnett’s judgment, the “debate over whether, in fact, Arab states should survive” hindered the Arab League from agreeing on rules of interaction (1995: 491). In comparison to the African and Southeast Asian regional projects, Arab early co-operation had more ambivalent attitudes on how to deal with state borders. While “Arab unification efforts derived from a belief in the Arab states’ artificiality and lack of legitimacy,” in practice, “most Arab leaders favored the Western-created map” (Barnett 1995: 506, 493-494). Arab nationalism was strongly heralded in principle (“all Arab leaders identified themselves as Arab nationalists and advocated Arab unity”, Barnett 1995: 480), but highly diverging ideas of regional politics were accommodated within this framework. Hence, what started out as an ideational recipe for unity turned into a normative conflict on the territorial and political organization of the region.<sup>40</sup> Already in 1954, Padelford (1954: 210) wrote about the League’s “internal jealousies and rivalries” as coming from the absence of a great power or single dominant member state in the region. With no regional hegemon defining the terms of faithful pan-Arabism, the debate developed into a competition over alternative interpretations. Nasserism in Egypt and later in Gaddafi’s Libya, and Ba’athism in Iraq and Syria, were the most elaborated interpreters of Arab nationalism (see Korany 1986: 69). Fearing that one state would “seek to appropriate pan-Arabism to enhance their regional power and to destabilize their neighbors,” Arab leaders would “impos[e] their own interpretation of Arabism’s demands – one that was consistent with the state’s interests” (Barnett 1995: 498).

The defining traits of Arab cooperation – in a thin sense its ‘identity’ – remain fragmentation and contestation over Arab nationalism. Arab nationalism is in a constant state of flux where ambiguity and contextual adaptation is the rule rather than the exception. In consequence, if the death of Arabism (Ajami 1978/1979) is overstated, so is its resurgence as a coherent political force. The view of contestation as characterizing rather than diminishing Arab identity disputes the tendency of scholarship on Arab nationalism to assume “an either/or quality: the Arab nation either takes precedence over all other identities or it is meaningless; either Arab nationalism necessitates political unification or it is without force” (Barnett 1995: 509). Instead, tensions between Arab states may be considered “inter family feuds,” where “family frictions impose extreme limitations on political coordination” (Korany 1986: 76).

In conclusion, rather than representing a comprehensive identity shift, the League’s dealing with Syria and Libya recalls familiar internal dynamics characteristic of the organization. The ideational climate in which leaders compete in pan-Arab rhetoric counteract the prospect of developing a delineated mandate for regional political involvement in domestic affairs. Instead, unpredictability and occasional ability to formally unite around core regional issues in spite of continuous fragmentation are features that have characterized the organization from its inception. In a way, the by now clearly unrealizable end-goal of one Arab united *state* appears a straightjacket for regional cooperation that is understood in truly *regional* terms. To construct a nation-state is a very different task from constructing a region, and as an unfulfilled utopia it keeps

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<sup>40</sup> Barnett’s article argues that this matter has been resolved, i.e., that agreement on the precedence of sovereignty has been reached. However, the Arab League’s reactions to the Arab Spring could be taken as evidence pointing against that conclusion.

leading to disappointment and conflict in regional affairs. Hence, as long as the dream of pan-Arab full integration is present alongside actual efforts to cooperate, institutionalized ‘automatic’ regional sanctions mechanisms are unlikely to emerge. Instead, any use of sanctions will depend on a deeply political process and will tend to represent a battle over regional leadership. The AU’s institutionalized allegedly automatic use of sanctions is the straightforward counterexample. Moreover, in contrast to the AU’s sanctions policy, which has thus far mainly been directed at small and not very powerful member states, it is noteworthy that all existing internal sanctions of the Arab League have been directed at regional leaders: Egypt, Iraq, Libya, and Syria. This signals that the League’s use of sanctions is simultaneously a demonstration of Arab unity and a battlefield over legitimate leadership in the region.

#### 4.3 Vietnam and the Origins of the ‘ASEAN Way’

*“Particularly what millions of men and women in our part of the world want is to erase the old and obsolete concept of domination and subjection of the past and replace it with the new spirit of give and take, of equality and partnership. More than anything else, they want to be master of their own house and to enjoy the inherent right to decide their own destiny”*

Thanat Khoman, Foreign Minister of Thailand

Inaugural Meeting of ASEAN, Bangkok, August 8, 1967 (cited in ASEAN 1997b)

Following a number of violent border conflicts and failed attempts to institutionalize cooperation between the internally diverse group of non-communist countries in the region, ASEAN was founded in 1967 by Indonesia, Malaysia, Singapore, Thailand, and the Philippines. Its primary aim was to move beyond the colonial past – in the words of the host quoted above characterized by “domination and subjection” – and provide peace and security by consolidating stable borders. Narine (2008: 425) states that “[h]istorically, the *raison d’être* of ASEAN was to further the statebuilding process” by ensuring that each is “master of their own house.” As a “non-aggression pact,” the members of ASEAN expressed their “commitment to the international institution of state sovereignty” (Narine 2006: 201; see Milner 2011: 112).

ASEAN did not only emerge to calm down relations between the five founding countries. It was confronted with dramatic events in the broader neighborhood. This section investigates the way the Association handled two strongly interrelated formative events – the Vietnam War and Vietnam’s invasion of Cambodia – and finds a concept of the region as a collection of nation states for which openness to national interpretations of fundamental principles is the meta-principle.

The birth of ASEAN took place “in the shadow of the Vietnam War” (Arndt/Garnaut 1979: 191; see Fifield 1979: 1200). As an expression of the regional and global cleavage between communist and non-communist regimes, the war pinpointed the continuous dilemma of external involvement in Southeast Asian affairs. To understand where ASEAN’s current disapproval of external sanctions (i.e., against Burma/Myanmar) comes from, its handling of the Vietnam War is illuminating. On the one hand, the U.S. was the ideational ally and protector of non-communist Southeast Asian countries. On the other hand, they feared the security consequences of increasingly tense external power presence in the region.

ASEAN never developed a common approach to the Vietnam War or to the American sanctions that were already in place from 1954 on (on sanctions, see Babson 2002). In light of some member states' active support of U.S. military action, and as long as the conflict did not spill over beyond Vietnam's territorial borders, the organization was careful to avoid "any appearance of group involvement in what was taking place" (Majid 2009: 2). This reflected ASEAN's priority to *balance* rather than collectively reject competing foreign roles in the region (Kurlantzick 2012: 2).

The foundational document of the organization – the ASEAN Declaration – is more limited in scope than those of most regional organizations, yet its preamble includes a statement "that all foreign bases are temporary and remain only with the expressed concurrence of the countries concerned and are not intended to be used directly or indirectly to subvert the national independence and freedom on states in the area or prejudice the orderly processes of their national development" (ASEAN 1967). This statement enshrined state sovereignty as a pillar in South East Asian affairs. However, at the same time it assumed and accepted the existence of foreign bases in the region. This ambiguity remained even as the Association announced four years later that the region were to become a "zone of peace, freedom and neutrality" (ZOPFAN), "free from any form or manner of interference by outside Powers" (ASEAN 1971). The zone sought to establish a "new [security] equilibrium," but revealed ASEAN's "constituting ambivalence" between the desire for neutrality and de facto dependence on American security provision (Jones/Smith 2006: 51-52). In consequence, the concept of neutrality became a "political chameleon" (Leifer 1973: 601), open to be modified in accordance with specific national concerns.

The new security situation after the fall of South Vietnam in 1975, on the other hand, reveals the content and limits of ASEAN's notion of non-interference in domestic affairs. Faced with a communist Indochina, ASEAN increased regional cooperation (Arndt/Garnaut 1979: 191). In substance, the organization chose to merge its efforts through constructive diplomacy rather than isolation. Even the most strongly anti-communist Southeast Asian states were in principle favorable to diplomatic relations with China and with communist Indochina.<sup>41</sup> In consequence, their concerns with the rapid spread of communism did not translate into sanctions or support of international sanctions. Rather, to deal diplomatically with the communist 'bloc,' ASEAN member states got increasingly involved in preparatory consultation and coordination of positions (Fifield 1979: 1203). The very first ASEAN summit of heads of government took place in 1976, and summits were thereafter held more regularly.<sup>42</sup> The same year, the central secretariat opened in Jakarta (Fifield 1979: 1207).

The upgraded ASEAN machinery was put to the test when united Vietnam invaded Cambodia. This disrespect of Cambodia's territorial integrity "ended the prospect of non-communist ASEAN engaging in peaceful cooperation with the unified Vietnam" (Majid 2009: 3). Fifield (1979: 1199) found that the invasion sent "shock waves through Southeast Asia (...) threatening the multipolarity or equilibrium existing in Southeast Asia among China, the Soviet Union, the United States, and Japan." This regional crisis accelerated

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41 Indeed, the détente in relations between the U.S. and China in the 1970s, initiated by Nixon's surprising visit to Beijing in 1972, opened up for previously strongly U.S.-allied Southeast Asian states to reconsider their political options (Poon-Kim 1977: 766).

42 Prior to that, ASEAN had earned a reputation as a "club of foreign ministers" (Fifield 1979: 1200).



ASEAN's profile as an international diplomatic actor, "but did not require a fundamental change in approach" (Henderson 1999: 11). At no point did ASEAN or individual member states have formal sanctions in place, but the UN Security Council was repeatedly encouraged to agree on resolutions against Vietnam. Statements on Cambodia dominate ASEAN's political activities from 1979 to 1988 and members of ASEAN took care not to indirectly support the Vietnamese occupation (Babson 2002: 7). Even though the Khmer Rouge regime was considered "a world-wide embarrassment", it was more threatening from a regional perspective to have "puppets of Vietnamese" rule Cambodia (Fifield 1979: 1200). Ultimately, in spite of the extent of crimes committed, ASEAN actively enabled the Khmer's resurgence as a political actor.

Beyond the certainly relevant moral issue of effectively supporting the Khmer Rouge, the comparatively forceful reaction against Vietnam's invasion of Cambodia confirms that the decisive aspect for the non-communist Southeast Asian countries was not anti-communism *per se*, but the avoidance of internal communist insurgency. In this aim, the common priority was defined as the maintenance of peaceful relations between non-aggressive sovereign states. By invading Cambodia, Vietnam violated the territorial integrity and national sovereignty of a neighbor and thereby crossed the crucial limit of toleration for ASEAN (ASEAN 1979; Jones/Smith 2006: 54-55; Majid 2009: 3). After its withdrawal from Cambodia, ASEAN moved to actively support Vietnam to join the Association. Vietnam finally joined ASEAN in 1995.

The organization's joint protest against Vietnam's invasion suggests that ASEAN's strict non-interference policy may be partially offset by blatant disrespect of the territorial integrity of other countries in the region. In consequence, a minimalistic sanctions doctrine designed to react to instances of blunt disrespect of territorially defined sovereignty could be compatible with the ASEAN way. However, this remains a theoretical prospect, since the organization has so far preferred other lines of action – or no action at all – over negative sanctions even in such situations. The absence of a joint reaction to Indonesia's invasion of East Timor in 1994 is a case in point (Jones/Smith 2006: 54).

To conclude, ASEAN's continued rejection of mechanisms for interference in member states is not coincidental or passive, but the result of a conscious and active reconfirmation of the initial approach. Obviously, this process has not left the ASEAN approach completely unaltered. The external environment for Southeast Asian cooperation has changed radically, and the organization has matured internally. During the Cold War, the organization's ability to jointly protest against great power involvement in Southeast Asia was moderated by dependency in general and security calculations in particular. Several decades later, ASEAN's lobbying for international sanctions against Burma/Myanmar to be lifted displayed an actor ready to take on costs in its relations to third parties. Nonetheless, the concept of constructive engagement was used flexibly, which shows that acceptance of national interpretations remains a meta-principle for Southeast Asian regional cooperation. From the very beginning and still today, ASEAN's concept of the region is one of fully sovereign nation states working selectively together on issues of common interest.

This may seem a weak basis for region-building (Jones/Smith 2006), but the organization actively communicates the 'ASEAN way' as an alternative regionalism. In that sense, that "sovereignty and non-interference remain central to the self-image of ASEAN" does not hinder that it "has been active in promoting its norms and its model of regional cooperation" (Wunderlich 2012: 659). Indeed, ASEAN's PR-machine consistently depicts Southeast Asian nations as *friends* that remain independent units. This concept of the region contrasts with both the AU's continental 'one' and the Arab League's utopian Arab State.


Even if the ASEAN way is taken primarily as an act of self-representation,<sup>43</sup> using sanctions against members undeniably falls outside of this conception. The balancing of claims to regional leadership with a strict notion of non-interference is a “fundamental contradiction” that runs as a red thread through ASEAN’s existence (Henderson 1999: 12). Ultimately, ASEAN can hardly be a regional leader without interfering in the domestic affairs of its member states in some ways. Which instruments it chooses to employ to influence member states is another question. Any type of collectively enforced punishment or formalized sanctions doctrine is a far shot as long as the self-representation of the ASEAN way has any validity.

## 5. From Past to Present: Lessons from Three (+ 2) Regions

The African, Southeast Asian, and Arab regional projects were all established to promote peace, prosperity and to consolidate post-colonial state building. Without at least a weak notion of the region, these organizations would not have seen the light of the day. In spite of common priorities at the time of their formation, all three organizations also demonstrate their own characteristics and ways of doing regionalism. The cases investigated in this paper suggest that diverging approaches to sanctions are rooted in differing concepts of the region that were already visible at the point of formation of the respective organizations. The point here is not that one organization is ‘identity-based’ while another is not. Instead, the paper has shown that each organization relies on a characteristic concept of the region which continues to inform divergent positions with regards to regional involvement in domestic affairs.

I have argued that the specific concepts of the region identified have enabled a particular approach to sanctions and ruled out others. This connection is illustrated in table 2 below.

*Table 2. From Concept to Approach*

	Concept of the Region		Approach to Sanctions
<b>African Union</b>	Region as one continent		Minimalistic, automatic, conservative
<b>League of Arab States</b>	Region as a utopian nation-state		Political, flexible to context, sanctions as tools in battle over regional leadership
<b>ASEAN</b>	Region as a collection of nation states		Rejection of own sanctions Critical of international sanctions as external interference

Source: author’s own research.

<sup>43</sup> Jones and Smith (2006) deliver a roaring critique of how Western (“liberal”) academics studying Southeast Asia together with “scholar-bureaucrats” from the region have created the ‘delusion’ of ASEAN regionalism.



For the OAU, the joint struggle against apartheid favored an all-continental concept of the region. The experience of anti-apartheid sanctions constitutes a positive precedent for the continental 'automatic' sanctions regime developed by its successor, the AU. The Arab League's boycott of Israel was justified in the name of Arab nationalism: an ideational framework that presents the region as a future nation-state. The combination of strict sovereignty with a utopian Arab state-building vision continues to inform the League's more recent use of sanctions against members as well. The Southeast Asian experience of international sanctions and external military intervention in Vietnam brought brutal evidence of the risks of interference in domestic affairs and confirmed a concept of the region as a group of sovereign nation-states.

Each of these political and bureaucratic models of regional affairs has its own flaws and advantages in terms of providing regional capacity to act. To start with, in spite of its internal intrigues, the Arab League has had decisive influence in the region in a number of significant areas: the creation of the PLO, the suspension of Egypt, the support of the 1990 Kuwait war (Maddy-Weitzman 2012: 72), and its recent reactions to the Arab Spring are some remarkable examples. As these historical examples show, the "considerable conceptual elasticity" of Arab nationalism (Barnett 1995: 481) does not necessarily hinder regional action, but certainly makes its occurrence and direction unpredictable. This stands in contrast to the AU and ASEAN, whose respective doctrines of automatic sanctions and strict non-interference in domestic affairs both aim at predictability albeit in opposing forms. For instance, whereas the AU appeared rather paralyzed confronted with the Arab Spring, the Arab League rapidly created a role for itself using different channels and policy instruments (see Hofmann and Jütersonke 2012). This flexibility appears to be the advantage of a still deeply political process in comparison with the stalemate of a heavily standardized 'mechanic' sanctions doctrine. As for ASEAN, it should be recognized that its rejection of punitive measures does not necessarily mean passivity when it comes to regional problems. This was already shown by its activism in the Vietnam/Cambodia conflict. Since then, the Association has matured into an actor that favors positive diplomacy and is permissive of individual interpretations of what this should mean in practice.

For all three cases, I have found that the concepts of the region, developed through formative events at the early stage of cooperation, continue to inform the views on involvement in domestic affairs. Can this argument be generalized to cases other than those analyzed in this paper? An outlook on two organizations from two other regions, the Organization of American States (OAS) and the EU, provides some early indications of the wider relevance of the argument.

Just as the cases of this paper, the OAS emerged to collectively ensure mutual respect of the principle of non-intervention. Even though it has been rhetorically committed to democracy as a continental value ever since its foundation in 1948,<sup>44</sup> throughout the Cold War it passively accepted undemocratic governments and did not react to coups among its member states (Hakim 1993: 39; Acevedo/Grossman 1996: 132-133; Sabatini 2002: 79; Piccone 2005: 103). It was only after the end of the Cold War and after all OAS members had held free elections<sup>45</sup> that the organization formalized its commitment to "democratic solidarity"

44 The OAS Charter was signed in Bogota in 1948. However, the roots of the organization date back to the First International Conference of American States, which took place in Washington 1889-1890 (Organization of American States 2013). This makes the OAS the oldest regional organization in the world.

45 In this respect, the experience of the OAU contrasts with that of the OAU/AU, where electoral democracy was not fully consolidated when the strict policy on unconstitutional changes of government was introduced.

through the Santiago (1991) and Washington (1992/1997) resolutions, of which the latter specifies a suspension mechanism to be used when constitutional rule is broken (Art. 9 OAS Charter, see Piccone 2005: 103).<sup>46</sup> Observers considered this development “groundbreaking” (Sabatini 2002: 79), “pathbreaking,” “a remarkable turnabout” (Hakim 1993: 40, 39), an “unmistakable shift” (Acevedo/Grossman 1996: 133), “a watershed event,” and “a bold collective initiative” (Pastor 2003: 121).

However, in line with the argument of this paper, the OAS’ formalized approach was not a 180 degree turn but built on historical precedents. The suspension of Cuba from the OAS in 1962 is an important, though highly divisive, early instance of a punitive action against a member state (Organization of American States 1962; Acevedo/Grossman 1996: 136).<sup>47</sup> Additional sanctions were imposed in 1964, upon accusations that the Cuban government tried to “subvert Venezuelan institutions and to overthrow the democratic Government of Venezuela through terrorism, sabotage, assault, and guerilla warfare” (Organization of American States 1964: 977). Moreover, the OAS denounced the Nicaraguan revolution in 1979 as well as General Noriega’s cancellation of election results in Panama in 1989. While these reactions have been judged weak and inconsistent (Sabatini 2002: 78-79), they can nonetheless be seen as early attempts to establish “the legitimacy of regional judgments concerning the potential credentials of a member state” (Acevedo/Grossman 1996: 138, 140).

The OAS is the only all-American organization on a continent with many competing regional arrangements.<sup>48</sup> The continental reach has been an important resource as it has sought to create legitimacy for regional action (Hakim 1993: 42). However, to agree on collective action in this setting is also extremely difficult. So far, the OAS has only suspended two members, Cuba 1962-2009 and Honduras 2009-2011. In contrast to Mercosur, it did not suspend Paraguay in 2012, following the impeachment and dismissal of President Fernando Lugo. Moreover, the New York-based non-profit organization Human Rights Foundation has criticized the OAS for not applying its democracy clause – through suspension or sending political missions – against Venezuela, Bolivia, Ecuador, and Nicaragua (Halvorssen/El-Hage 2013).<sup>49</sup> Sabatini (2002) argues that the OAS sanctions doctrine is too much centered on coups, and is less apt to respond to other

46 It took five years for the Washington Protocol to be ratified and Mexico’s ratification is still pending. Mexico placed its opposition to the use of “isolation, suspension or exclusion” for promoting democracy on record and found that “the punitive character ascribed to the OAS” “has changed the original purpose of our Organization” (Organization of American States 1992).

47 Only after considerable bargaining did the U.S. manage to gather a two-third majority for suspension. 14 members approved the motion, six abstained – Argentina, Bolivia, Chile, Brazil, Mexico, and Ecuador – whereas Cuba was the only country to vote against (Lee 2012). This split endured, as OAS members “opposed (...) expanding the precedent” of Cuba to a general policy allowing for intervention (Acevedo/Grossman 1996: 136). In 2009, when conditions for Cuba’s readmission were discussed, Nicaragua called the 1962 suspension an “error and an act of injustice” (Merco Press 2009). Against the will of several member states, the readmission was conditioned on progress in the field of human rights and democracy. However, Cuba has expressed that it has no intention to return to the OAS.

48 Just as the AU, the OAS is in principle an all-inclusive organization and the suspension of member states is intended to be temporary. Therefore, the OAS web page lists Cuba as a member with an asterisk, signifying non-active membership.

49 The OAS has applied the Democracy Clauses of Resolution 1080 and from 2002 onwards the Inter-American Democratic Charter on fourteen occasions against ten countries. However, instead of suspending the membership of these countries, the OAS has sent political missions (see Organization of American States 2009).

challenges of democratic deterioration. Even if there is truth to that, there are reasons why regional organizations only carefully expand the scope of circumstances leading to sanctions. A broader use of sanctions might not solve democratic challenges, but risks polarizing different groups in the region and creating a climate of suspicion undermining positive regional cooperation.

To conclude, the OAS approach to sanctions is reminiscent of the one of the AU in its focus on unconstitutional changes of government, but it is less strict and predictable than its African counterpart. Both cases seek legitimacy for their actions in a concept of the region as one continent, but there is one obvious difference: the presence of the U.S. as a hegemon in the Americas. The influence of the U.S. on the OAS' stance on involvement in domestic affairs is indisputable, though not straightforward. It is clear that the suspension of Cuba was a product of U.S. bargaining skills rather than a genuinely collective action to protect democracy. Moreover, the formalization of an OAS doctrine against unconstitutional changes of government decades later was considered "a godsend" for the U.S., especially since the principle of non-interference had gained its strong impetus on the continent in direct opposition to U.S. interventions (Pastor 2003: 121).<sup>50</sup> However, the introduction of the OAS doctrine took place as a liberalization wave spread across the continent, creating unusually favorable conditions for U.S. influence (Meyer 2013, p. 1). In contrast, the 2000s have seen more tension between the U.S. and the leftist governments in the hemisphere. Parts of the Republican Party see the OAS as an enemy to freedom and democracy, and during the last years the U.S. Congress has treated several requests for restricting funding to the OAS (Rogin 2011; Meyer 2013). Since the OAS' role as a 'democracy promoter' is *not* built around AU-style standardized, automatic sanctions, it is vulnerable to changes in the climate between the U.S. and other members. It appears a worthwhile priority for future research to further investigate how this factor has shaped OAS policies towards regional crises.

To create a stable equilibrium between historically contending powers was the priority of early European integration. Central for this balancing exercise was the conviction that the economic hardship inflicted on Germany through the Treaty of Versailles had contributed to the rise of National Socialism and was thereby responsible for the Second World War. The experience of German radicalization made an extremely powerful case for the risks of economic punishment. Hence, when European countries gathered to prevent the world wars from ever repeating themselves, they opted for the method of deep economic cooperation to integrate the coal and steel industries and thereby keep any attempts to rearm at bay. Isolation and sanctions did not fit with the idea that peace could be achieved through mutual dependency and solidary economic growth.

Still to date the EU has never imposed political sanctions against a member state.<sup>51</sup> However, in preparation for the Eastern enlargement (see van Hüllen/Börzel 2013: 13-14, and their references), the Amsterdam Treaty (1997) introduced a possibility to use "remedial action" – i.e. suspending membership rights – in cases of "serious and persistent" breaches of common values (Menéndez 2002; European Commission

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<sup>50</sup> Already during the early 20<sup>th</sup> century, Latin diplomats spoke of the principle of nonintervention "at regular intervals whenever the United States threatened force" (Pastor 2003: 121).

<sup>51</sup> What are commonly known as EU sanctions against Austria were in fact cuts of bilateral diplomatic relations, and the committee work at the EU level continued all through the Haider crisis (see Merlingen *et al* 2001).

2003). This provision was first amended by the Nice Treaty (2001)<sup>52</sup> and then by the Lisbon Treaty (2007). Article 7 of the revised Treaty on European Union gives the European Council full discretion in judging when “a serious and persistent breach” has occurred and whether this breach justifies sanctions or not (European Commission 2011).<sup>53</sup> In practice, this means that a member state would need to break very gravely and for a longer period of time with common values to risk being punished by the European system. Indeed, a Commission Communication from 2003 expresses confidence that “in this Union of values it will not be necessary to apply penalties pursuant to Article 7” (European Commission 2003: 12). The Commission’s ten year old statement that values “are the hard core of the Union’s identity and enable every citizen to identify with it” appears audacious in light of recent developments (European Commission 2003: 12).<sup>54</sup> The EU has not experienced any coup d’états among its members, but some member states have seen a gradual deterioration in democratic institutions and fundamental rights (Human Rights Watch 2012; European Parliament 2013). This shows that the weakness of the sanctions provision directed at existing members is only partly compensated by pre-membership conditionality (see European Parliament 2013: 3-4). Moreover, in spite of the many instruments the Commission and the Courts have for dealing with specific violations of fundamental rights (see van Hüllen/Börzel 2013), more and more people call for Article 7 to be used (European Commission 2003: 7). A key issue here is the interpretation of when specific breaches are so plentiful that they have turned into a systematic and persistent breach of common values.

The weak internal sanctions provision contrasts with the EU’s increasing activism as a sender of foreign policy sanctions.<sup>55</sup> This gives rise to a critical question: can the EU credibly criticize non-EU countries while leaving norm violations among members unpunished? This question is especially pressing since the Union’s self-representation as a soft or normative power in external action builds on the premise that the EU is a community of shared values. The lack of punitive measures from the EU in what the European Parliament (2013) has called a “democratic crisis” inside the Union, serves as a reminder that EU high (i.e., Council) politics remain an intergovernmental game shaped by national positions. In such a setting, only a highly formalized, specific, and obliging sanctions doctrine of the AU kind would likely be put to use. However, that European integration has developed without such a doctrine is itself a feature of intergovernmentalism. Six founding countries of the European Coal and Steel Community (ECSC) have become 28 member states of the EU. However, after years of deepening and widening integration, and some half-hearted attempts at identity politics, the EU’s concept of the region is still very much built around nation states.

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52 The Nice Treaty added a prevention mechanism to deal with the *risk* of a serious breach.

53 The EU’s “common values” are listed in Article 2 of the Treaty on European Union: respect for human dignity and human rights, liberty, democracy, equality and the rule of law (European Union 2010). The scope of preventive and penal action under Article 7 is not limited to the field of Union law, but could be applied also in areas of national jurisdiction (European Commission 2003: 5).

54 In its response to the Commission Communication, Amnesty International found that it “fails to recognise the real possibility of such a situation occurring in the EU and therefore devalues its commitment to effective monitoring” (Amnesty International 2003).

55 Elsewhere I have argued that the EU’s foreign policy sanctions are largely self-oriented, i.e., focused on matters of image and credibility rather than on actually changing the target, which is anyway hard to achieve (Hellquist 2012). I also found that even the positive effects on the self rarely materialize, since the EU sanctions policy suffers from accusations of hypocrisy and double standards, both internally and from other international actors.

Only once has a member state been subject to punitive measures from other EU states: Austria during the Haider crisis from February to September 2000. It is symptomatic of the centrality of the nation state for the European project that these measures were partly motivated by the domestic concerns of a few member states and only concerned bilateral relations (Merlingen *et al* 2001). The unilateral sanctions were lifted after an EU Report of the “Three Wise Men” Martti Ahtisaari, Jochen Frowein, and Marcelino Oreja warned that the isolation of the Austrian government had led to increased nationalism and was therefore counterproductive. Following the Austria crisis, the Nice Treaty added a prevention mechanism to Article 7, providing a possibility to act already at the stage of a “clear risk of a serious breach” of common values (van Hüllen/Börzel 2013: 15). Nonetheless, the inclusion of a far-right populist party in government has not mobilized EU member states in the same way as it did in 2000. It seems that, in spite of the institutional innovations, the political memory of the Austrian episode continues to speak against internal sanctions in Europe.

The EU is a unique case when it comes to sanctions. Already the fact that the most advanced regional organization in the world, often thought of as a model for other regions, has not developed a working internal sanctions mechanism, calls for further analysis. Instead, the EU is the *only* regional organization with a sanctions policy directed at third countries. Internal and external “value promotion,” through sanctions or other instruments, are institutionally separate in the EU machinery and scholarly attention tends to reproduce this separation (for an important exception, see Börzel/van Hüllen 2013). However, what the EU does internally matters for how its external action is perceived by others, in particular in the sensitive field of value promotion. In consequence, there is a need for more scholarship that studies the internal and external dimensions of the EU’s approach to sanctions together.

The three cases analyzed in the study, as well as the two touched upon in this conclusion, point at a general need to place developments in regionalism in a historical context in order to understand present divergences. In an early attempt to theorize on the diversity of regional approaches to sanctions, the paper has argued that historically derived understandings of the region constitute a structural frame in which certain approaches to sanctions fit and others do not. In the end, there is not one parsimonious theory able to explain the specificities of each regional approach to sanctions. However, the historically sensitive framework proposed in this paper offers the possibility to identify contextual factors that are likely to push a regional organization in one or the other direction.

This task requires awareness that historical experiences and beliefs do not have independent ‘causal force,’ but matter in the ways in which they are reconstructed for contemporary political purposes. In particular the AU is engaged in a highly conscious and purposive process of reconstructing the history of African regional cooperation. When the AU replaced the OAU in 2002, Reynolds reported for the BBC that “[n]obody is mourning the end of the OAU,” and TIME magazine’s Hawthorne stated that the OAU was “mercifully killed off by its member states” (Reynolds 2002; Hawthorne 2002). In this light, the high profile with which the AU commemorated the OAU’s 50<sup>th</sup> birthday is noteworthy. The organization spelled out that “[t]he anniversary is expected to facilitate and celebrate African narratives of past, present and future that will enthuse and energize the African population and use their constructive energy to accelerate a forward looking agenda of Pan-Africanism and renaissance in the 21st century” (African Union 2013).

Even if worldviews and concepts developed through historical experiences are shown to influence current policies and practices, regional actors may not deliberately build on lessons from the past. On the contrary, historical memory is selective and subject to alteration through political contestation. Hence, it appears a worthwhile direction for future research to systematically analyze the use of historical examples for present-day approaches to sanctions.

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